

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWARD GREEMAN,

Petitioner,

-against-

THE SUPERINTENDENT OF
FISHKILLCORRECTIONAL FACILITY,

Respondent.

22-CV-4300 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On October 20, 2023, the Court issued a Memorandum Opinion and Order denying Petitioner Edward Greeman's motion for a writ of habeas corpus. Dkt. 35. On November 16, 2023, Greeman submitted a motion for reconsideration of that Order. Dkt. 40. The Court denied the motion. Dkt. 44. On January 3, 2024, Greeman submitted a second motion for reconsideration under Federal Rule of Civil Procedure Rules 59(e) and 60(b)(1). Dkt. 45.

"It is well-settled that Rule 59 is not a vehicle for relitigating old issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking a second bite at the apple. Rather, the standard for granting a . . . motion for reconsideration is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked." *Analytical Survs., Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 52 (2d Cir. 2012) (cleaned up). "Under Rule 60(b)(1), a party may seek relief based on 'mistake, inadvertence, surprise, or excusable neglect.'" *Kemp v. United States*, 596 U.S. 528, 533 (2022) (quoting Fed. R. Civ. Pro. 60(b)(1)).

As Greeman presents no valid grounds for relief under Rule 59(e) or Rule 60(b)(1), the motion is DENIED. The Clerk of Court is directed to terminate the motion at Dkt. 45.

SO ORDERED.

Dated: January 29, 2024

New York, New York



ARUN SUBRAMANIAN
United States District Judge